

LW6180E: INTERNATIONAL COMMERCIAL CONTRACTS AND UNIFORM SALES LAW

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

International Commercial Contracts and Uniform Sales Law

Subject Code

LW - Law

Course Number

6180E

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

LW5580 International Commercial Contracts and Uniform Sales Law

Exclusive Courses

LW6580E International Commercial Contracts and Uniform Sales Law

Part II Course Details

Abstract

This course aims to introduce and examine the need for an international contract law and the extent this has been achieved by the United Nations Convention on Contracts for the Interpretation Sale of Goods 1980 (CISG). The interpretation, gap filling, formation of contract, obligations of the parties, remedies for breach of contract, unwinding of contracts and limitation of actions will be considered. The advantages and disadvantages of CISG when compared with the English law of contract will be identified. In addition to CISG the UNIDROIT Principles on International Commercial Contracts (UPICC) and other forms of internationalisation of contract law will be considered.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Identify, describe and analyse important legal concepts of core areas of international commercial contract law and uniform sales law	20	x		
2	Apply international commercial contract law principles and uniform sales law instruments to complex fact patterns at an advanced level; and discover and provide creative solutions to the relevant legal issues	40	x	x	x
3	Analyse, evaluate, and critically examine legal problems in the core areas of international commercial contract law and uniform sales law	40	x	x	x

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Learning and Teaching Activities (LTAs)

LTAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Lecture	The course leader will present and explain the substantive law on the topics listed in the course syllabus. Students will learn how to apply the law to hypothetical situations similar to those they may face in reality.	1, 2, 3 3h/week

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Class participation (including mainly class attendance, class discussion, concentration in the classes, and oral presentation if presentation tasks are assigned by the instructor)	1, 2, 3	20	The use of Generative AI tools is not allowed.

Continuous Assessment (%)

20

Examination (%)

80

Examination Duration (Hours)

3

Additional Information for ATs

Examination (opne-book exam): The use of Generative AI tools is not allowed.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Students must obtain a minimum mark of 50% in examination and an overall mark of 50% in order to pass the course.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

Students must obtain a minimum mark of 40% in examination and an overall mark of 40% in order to pass the course.

When University facilities and resources are available, students are required to take a computer-based examination in computer labs. During the examination, students are blocked from access to files, programme and the Internet. Students will have access to the text of CISG and other statutory materials provided.

Assessment Rubrics (AR)**Assessment Task**

Class participation (including mainly class attendance, class discussion, concentration in the classes, and oral presentation) (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Knowledge and understanding of the subject;
Original thinking and analytical skills;
Organisation and writing skills.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Examination (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Knowledge and understanding of the subject;
Original thinking and analytical skills;
Organisation and writing skills.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

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Failure

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Assessment Task

Class participation (including mainly class attendance, class discussion, concentration in the classes, and oral presentation) (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Knowledge and understanding of the subject;
Original thinking and analytical skills;
Organisation and writing skills.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Knowledge and understanding of the subject;
Original thinking and analytical skills;
Organisation and writing skills.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

International Contract law; Uniform Sales Law; CISG; UPICC; Interpretation; Gap Filling; Formation of Contract; Obligations of the parties; Remedies for Breach of Contract; Unwinding of Contracts and Limitation of Actions.

Detailed Syllabus

Week 1 - Introduction

PART 1: CISG APPLICATION & FORMATION OF THE CONTRACT

Week 2 - General issues concerning the application of the convention (can become two lectures)

Week 3 - Rules on the CISG scope of application

Week 4 - Rules on formation of contract

PART 2: OBLIGATIONS OF THE SELLER

Week 5 - Delivery of goods and documents

Week 6 - Conformity of the goods / Examination and notice requirements concerning the conformity of the goods

Week 7 - Mid-term revision class

PART 3: REMEDIES OF THE BUYER

Week 8 - Outline of the buyer's remedies / Performance

Week 9 - Avoidance of the contract

Week 10 - Reduction of the Price and Damages

PART 4: OBLIGATIONS OF THE BUYER, PASSING OF RISK AND REMEDIES OF THE SELLER

Week 11 - Obligations of the buyer and passing of risk

Week 12 - Remedies of the seller

Week 13 - Specific issues and Revision

Reading List

Compulsory Readings

Title	
1	Ingeborg Schwenzer, Christiana Fountoulakis, Mariel Dimsey, International Sales Law: A Guide to the CISG, Hart Publishing; Third edition (April 18, 2019), 920 pages.

Additional Readings

Title	
1	Eckart Broedermann, UNIDROIT Principles of International Commercial Contracts (The Hague: Kluwer, 2018) 527.
2	Julien Chaisse, Legal Problems of Economic Globalisation-- A Commentary on the Law and Practice (2nd edition) (Hong Kong: Wolters Kluwer, November 2017) 784 pages. [Product ISBN: 9789887741305].
3	Giuditta Cordero-Moss, International Commercial Contracts: Applicable Sources and Enforceability (London: Cambridge University Press, 2014) 329.
4	Franco Ferrari and Marco Torsello, International Sales Law - CISG - in a Nutshell, West Academic Publishing; 2nd edition (April 11, 2018) 524 pages.
5	Schlechtriem & Schwenzer, Commentary on the UN Convention on the International Sale of Goods (CISG), OUP Oxford; 4th edition (March 24, 2016) 1,744 pages.
6	Schlechtriem & Butler, UN Law on International Sales, Springer: Berlin/Heidelberg latest edition.
7	Vogenauer & Kleinheisterkamp, Commentary on the UNIDROIT Principles of International Commercial Contracts latest edition.
8	Online Resources
9	CISG:
10	http://www.globalsaleslaw.org/
11	http://www.cisg.law.pace.edu/
12	http://www.cisgac.com
13	UIPCC:
14	http://www.unidroit.org/
15	EC:
16	http://europa.eu/index_en.htm
17	http://europa.eu/legislation_summaries/index_en.htm
18	http://eur-lex.europa.eu/en/index.htm
19	UNCITRAL:
20	http://www.uncitral.org/uncitral/en/uncitral_texts/sale_goods.html
21	http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration.html
22	http://www.uncitral.org/uncitral/en/uncitral_texts/electronic_commerce.html